

### REMARKS

Claims 1-25 are pending in the application. Claims 1 and 4 have been amended. In view of the amendments to the claims and the remarks below, Applicants respectfully request that the rejections be withdrawn and the claims be allowed.

Claims 1, 2, 4, 5, 8-14, and 19-23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,586,502 to Weber ("Weber"). The rejection is respectfully traversed.

Claim 1 recites a device for the application and/or removal of rail clips that includes a lever mounted on a frame, the lever being adapted to engage a connecting element. The lever is driven by a "cylinder-piston group" comprising a piston and a cylinder body. A "first stop surface" on the piston and a "second stop surface" on the cylinder body cooperate "in such a way as to form a stop device for stopping the lever in a defined position with respect to the frame." See, for example, Fig. 1, items 12 and 13; Fig. 4. The stop device is an important aspect of claim 1, as one of the objectives of the claimed invention is to provide a device that makes it possible to mechanically stop the lever and the pressure organ in a defined position with respect to the frame, independently from a pressure control of the fluid acting in the cylinder-piston group.

In existing solutions, mechanical stop devices comprise a stop surface formed at the lever and designed to abut against a corresponding stop surface formed at the frame. A drawback of this solution is that the pressure of the hydraulic cylinder-piston group against the stop surfaces is transmitted through the levers, their connection to the frame and through the frame itself. This subjects these elements to very high stresses. See Specification at [0007]-[0008]. In order to avoid these mechanical stresses on the lever and on the frame, independent claim 1 requires that the stop surfaces are formed directly at the piston and at the cylinder of the cylinder-piston thrust group, thereby obviating mechanical stressing of the levers and of the frame in case of mechanical stopping.

Weber does not teach or suggest that the first and second stop surfaces are formed "one (12, 14) of them on the piston (11) and the other one (13, 15) on the cylinder body." In fact, the

piston-cylinder thrust groups in Weber do not have any stop surfaces at all. See Weber at Fig 5, items 70, 74 and 72, 76. Instead, the only disclosed stop surfaces (guide rod stops 83 and 85 in Fig. 5) are provided on guide rods 82, 84 for stopping the guide rods with respect to hollow barrels or sleeves 94, 96. The guide rods 82, 84 and barrels or sleeves 94, 96 are distinct from the piston-cylinder thrust groups 70, 74 and 72, 76. See Weber at Fig. 5; col. 4, ll. 19-25, 43-51, 57-63, col. 5, ll. 6-14. The guide rods and sleeves do not meet the piston and cylinder body of claim 1 because they are not part of a "cylinder-piston group" that is "adapted to driving the lever." Moreover, claim 1 recites that the piston is "movable with respect to the cylinder body (10) under the action of pressurised fluid acting on piston inside said cylinder body (10)." Weber's "sleeve," on the other hand, does not contain pressurised fluid. Weber therefore does not disclose "stop surfaces" on a "piston" and a "cylinder" as those terms are defined in claim 1.

Claim 1, as amended, also specifies that "when said first stop surface (12, 14) abuts against said second stop surface (13, 15), said piston (11) stops in a limit position with respect to the cylinder body" and that when the piston stops in the limit position, "said lever (2,3) stops in said defined position with respect to the frame." The "guide rod stops 83, 85" in Weber are not suitable to stop the lever "in a defined position with respect to the frame." When the guide rods reach a lowermost "down" position, they contact the sleeves. This stops only the guide rods, while the shafts 74, 76 of the piston-cylinder groups 70, 72 continue to move downward to their lowermost position, thereby moving the removers 78, 80 along a flat arc in a direction away from or towards the rail 16. See Weber col. 6, ll. 32-48; col. 8, ll. 7-20. The movement of Weber's piston (shafts 74, 76) with respect to the cylinder body (cylinder 70, 72) is not stopped by any stop surfaces, but by means of pressure switches which sense contact between a shoulder contact surface 158, 160 of shoulder 20 and send a signal to the master controller 130, stopping the downward vertical movement of the shafts 74, 76. See Weber col. 7, ll. 42-47; col. 8, ll. 27-29.

Since Weber does not teach or suggest stop surfaces formed on a piston and a cylinder body of a cylinder-piston group adapted to driving the lever, nor does it teach or suggest that the stops are suitable to stop the lever in a defined position, Weber does not anticipate claim 1. Claim 1 is therefore allowable over the prior art of record.

Claims 2, 4, 5, 19, 21, and 23 depend from claim 1 and are allowable for at least the same reasons that claim 1 is allowable. Claim 4 depends from claim 2 and is allowable for at least the same reasons that claim 2 is allowable. Claim 8 depends from claim 5 and is allowable for at least the same reasons that claim 5 is allowable. Claims 9, 12, and 14 depend from claim 8 and are allowable for at least the same reasons that claim 8 is allowable. Claims 10 and 11 depend from claim 9 and are allowable for at least the same reasons that claim 9 is allowable. Claim 13 depends from claim 12 and is allowable for at least the same reasons that claim 12 is allowable. Claims 20 and 22 depend from claim 19 and are allowable for at least the same reasons that claim 19 is allowable.

Claims 3, 6, 7, 15-18, 24 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Weber. The rejection is respectfully traversed.

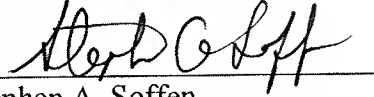
Claim 3 depends from claim 2 and is allowable for at least the same reasons that claim 2 is allowable. Claims 6 and 15 depend from claim 1 and are allowable for at least the same reasons that claim 1 is allowable. Claim 7 depends from claim 6 and is allowable for at least the same reasons that claim 7 is allowable. Claims 16-18 depend from claim 15 and are allowable for at least the same reasons that claim 15 is allowable.

Claim 24 includes “a first stop surface” and a “second stop surface,” “wherein said stop surface are formed, the one (12,14) on the piston (11) and the other (13,15) on the cylinder body (10)” The stop surfaces cooperate “in such a way as to form a stop device (16, 17) for stopping the piston (11) in a defined position with respect to the cylinder body (10).” As explained above in reference to claim 1, Weber does not teach or suggest these limitations. Claim 24 is therefore allowable for similar reasons that claim 1 is allowable, and for other reasons. Claim 25 depends from claim 24 and is allowable for at least the same reasons that claim 24 is allowable.

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Dated: March 13, 2009

Respectfully submitted,

By 

Stephen A. Soffen

Registration No.: 31,063

Jonathan L. Falkler

Registration No.: 62,115

DICKSTEIN SHAPIRO LLP

1825 Eye Street NW

Washington, DC 20006-5403

(202) 420-4879

Attorneys for Applicant